

In The
Supreme Court of the United States
October Term, 1995

LOU MCKENNA, Director, Ramsey County
Department of Property Records and Revenue;
and JOAN ANDERSON GROWE,
Secretary of the State of Minnesota,

Petitioners,

vs.

TWIN CITIES AREA NEW PARTY,

Respondent.

On Writ Of Certiorari
To The United States Court Of Appeals
For The Eighth Circuit

JOINT APPENDIX

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State of Minnesota

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**Petition For Certiorari Filed April 4, 1996
Certiorari Granted May 28, 1996**

INDEX

Page

Chronological List of Relevant Document Entries	1
Plaintiff's Complaint, Filed Aug. 10, 1994	Pet. App. 26-33*
Affidavit of M.J. Maynes, Filed Aug. 10, 1994	2
Affidavit of Andy Dawkins, Filed Aug. 10, 1994	9
Declaration of Walter Dean Burnham, Filed Sep- tember 2, 1994	11
Order, Filed September 15, 1994	25
Amended Order and Memorandum, Filed Sept. 16, 1995	Pet. App. 12-25
Notice of Appeal, Filed September 26, 1994	27
Opinion of Court of Appeals, Filed January 5, 1996	Pet. App. 1-11

-

* "Pet. App. __" designates appendix pages to the Petition For A Writ Of Certiorari.

**CHRONOLOGICAL LIST OF
RELEVANT DOCKET ENTRIES**

Aug 10, 1994 - Plaintiff files complaint.

September 15, 1994 - Order granting summary judgment to defendants.

September 16, 1994 - Amended order and memorandum granting summary judgment to defendants.

September 26, 1994 - Plaintiff's Notice of Appeal filed.

January 5, 1996 - Opinion and judgment of the Court of Appeals for the Eighth Circuit.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

TWIN CITIES AREA NEW PARTY,)	
Plaintiff,)	Civil Action No. 3-94-953
v.)	
LOU McKENNA, Director, Ramsey County Department of Property Records and Revenue, <i>et al.</i> ,)	
Defendants.)	-

AFFIDAVIT OF M.J. MAYNES

M.J. Maynes hereby declares and states as follows:

1. I am the Chair of the Steering Committee of the Twin Cities Area New Party ("the New Party" or the "Party"), which has offices at 757 Raymond Avenue, Suite 200A, in St. Paul. I am also a registered voter and member of the New Party. I am familiar with the facts alleged in our complaint in this case and am authorized to give this affidavit on behalf of the Party in support of plaintiff's motion for a preliminary injunction.

Factual Background

2. The Twin Cities Area New Party was chartered as a chapter of the national New Party in the spring of 1993. The New Party is a progressive political party with chapters in more than a dozen states. Its platform emphasizes

basic human needs and services, such as quality schools, safe neighborhoods, affordable housing, progressive taxation, guaranteed equal access to quality health care, and good-paying jobs, as well as labor law reform to strengthen unions, equal pay for equal work, environmental protection, responsible and ecologically-sustainable economic development, and an end to all forms of discrimination. The New Party is also committed to the principle that a political party should be free to nominate those candidates who best represent the views and interests of that party. For that reason, the New Party opposes state laws that prevent multi-party nominations or pursuit of a "fusion" strategy of the sort I will discuss later in this affidavit.

3. In April 1994, the New Party convened a membership meeting, at which time the members duly voted to nominate Andy Dawkins as the party's candidate for District 65A, located in St. Paul, in the November 1994 general election. The Party also voted to endorse (but not formally nominate) another candidate running for State Representative from a Minneapolis district.

4. The New Party is considered a minor political party under the Minnesota election law, and thus it does not nominate candidates in a primary. Instead, it must file nominating petitions containing the requisite number of signatures for each candidate it has nominated.

5. In order to nominate a candidate for State Representative, the New Party must obtain 500 signatures on a nominating petition. In July 1994, the New Party gathered approximately 600 signatures on a nominating petition to

have Andy Dawkins to appear on the November 1994 election ballot as the New Party candidate in District 65A.

6. On July 18, 1994, I went with several other people to the Ramsey County Department of Property Records and Revenue to file the Party's nominating petition containing the nearly 600 signatures. The Secretary of State's office had advised me that this is the proper department for filing nominating petitions when a district is located entirely within one county, and District 65A lies wholly within Ramsey County.

7. When we arrived, I tried to file the nominating petition with an election official at the front desk, who refused to accept it. While we waited, that official consulted with Joan M. Pelzer, Supervisor of Elections/Voter Registration in the Department, and Ms. Pelzer typed up and gave us a letter, also dated July 18, 1994, which explained the Department's action. A copy of that letter is attached as Plaintiff's Exhibit 1.

8. In her letter, Ms. Pelzer explained that she could not accept the Party's nominating petition because Rep. Dawkins had previously filed an Affidavit of Candidacy as the DFL candidate for that seat. As authority for this action, Ms. Pelzer cited subdivision 1 of Minn. Stat. § 204B.06, which requires candidates to file affidavits of candidacy stating that the candidate "[h]as no other affidavit on file as a candidate for any office at the same primary or next ensuing general election."

9. Apart from the statute cited by Ms. Pelzer, several provisions in Minn. Stat. § 204B.04 also prevent the New Party from cross-nominating candidates (such as Rep. Dawkins) who have been nominated by a major

party. That statute states that no candidate certified by a canvassing board as the nominee of any major political party shall be named on any ballot as the candidate of any other political party at the next ensuing general election. It adds that no person who seeks nomination for any partisan office at a primary shall be nominated for the same office by nominating petition.

10. As a result of the enforcement of these statutes by county officials, the New Party will not be able to have its duly-nominated candidate for State Representative from District 65A appear on the general election ballot this November. Also, the continued enforcement of these statutes by county officials (and, in the case of multi-county offices, by the Secretary of State) will prevent the New Party from cross-nominating candidates and having them appear on future ballots. Thus, the New Party is turning to this Court for relief.

11. As the New Party wages a grassroots effort to grow and becomes better known, it plans to take a more active political role in the Twin Cities area. Thus, the Party plans to nominate its own candidates for office, and, to maximize its effectiveness as a minor political party, the Party also plans to pursue a multi-party nomination or "fusion" strategy, by which it will selectively cross-nominate major party candidates whom the Party believes can best articulate and advance the Party's views on the issues. I anticipate that this will include candidates running for offices wholly within one county, as well as for offices involving more than one county. It is my belief that some candidates nominated by a major party will accept the New Party's endorsement if it is offered, as Rep. Dawkins did in 1994.

12. The existence and enforcement of "anti-fusion" statutes by the Secretary of State and county officials prevent a minor party from pursuing a "fusion" electoral strategy. The restrictions at issue here thus adversely affect the New Party's ability to function as a party, as I will now explain.

The Effect of Anti-Fusion
Restrictions on the Party

13. The New Party engages in electoral activity for the same reasons as the established parties. The Party seeks to promote candidates whose views best represent its members' views, to use the electoral process to publicize its own political commitments, and to widen its popular base of support.

14. As a fledgling, third party with a loyal, but small base of support, the New Party believes that a "fusion" strategy, which allows the Party selectively to nominate candidates also endorsed by a major party, can help get our message across and attract a wider range of voters.

15. Many credible candidates will not gamble on running solely as a third-party candidate, even when they are in general agreement with the principles of the party. Similarly, I have talked to voters who may be willing to vote for New Party candidates as a symbolic expression of their political views. However, many voters, even those who share our views, will not gamble on supporting a candidate who is nominated solely by a third party. People express the concern that they will be "wasting"

their vote on a candidate with no serious chance of being elected.

16. As a small, newly organized third party, the New Party is distinctly a minority party which lacks a credible threat of winning many elections on its own unless it acts in coalition with others. The same is not true of the major parties, each of which has demonstrated an ability to win elections. Thus, the ban on multi-party nominations which we challenge here has a disproportionate and negative impact on third parties such as the New Party when they seek to compete in the electoral arena, publicize their views, or widen their popular base of support. So long as the New Party is relegated to third-party status, many people will regard the Party only as a vehicle for casting a protest vote and may perceive such a vote as being "wasted."

17. The existence and operation of anti-fusion laws thus interferes with the Party's ability to spread its message among the electorate and to identify those candidates who best represent the Party's political preferences and interests, thus advancing the Party's mission and purposes as a political party.

18. A cross-endorsement strategy can be highly effective in hotly contested elections, for example, where a candidate is elected to office by a margin which is smaller than the number of votes he received on the minor party's line, but the candidate wins when one includes the number of votes cast for him or her on a third party's line. The pursuit of such a strategy is foreclosed to the New Party and other third parties under the statutes at issue in this case.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed at St. Paul, Minnesota this 5th day of August, 1994.

/s/ M.J. Maynes
M.J. Maynes

[Note - Exhibit 1 Omitted In Printing]

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
THIRD DIVISION

TWIN CITIES AREA NEW PARTY,)	
Plaintiff,)	Civil Action
v.)	No. 3-94-953
LOU McKENNA, Director, Ramsey County Department of Property Records and Revenue, <i>et al.</i> ,)	
Defendants.)	

AFFIDAVIT OF ANDY DAWKINS

Andy Dawkins hereby declares and states as follows:

1. I live in St. Paul, Minnesota. I am a registered voter and a member of the Democratic-Farmer-Labor Party. I am presently a State Representative from District 65A, an office to which I was first elected as the DFL candidate in 1987.

2. In 1994, I filed an Affidavit of Candidacy as the endorsed DFL candidate seeking to be reelected from District 65A. I am unopposed in the September primary election and thus expect to be the DFL candidate on the November 1994 general election ballot.

3. In April 1994, I was invited to attend a meeting of the Twin Cities Area New Party, a new political party in this area, which had also endorsed me when I ran for Mayor of St. Paul in 1993. I did meet with Party members,

and the Party voted to formally nominate me as its candidate in the November election, in addition to my DFL nomination. I was and am willing to accept the nomination of both parties and to run on both lines in the November election.

4. I am aware also that the New Party gathered the requisite number of signatures on a nominating petition to have me appear on the ballot as its candidate, but the petition was not accepted by Ramsey County election officials because I had previously filed an Affidavit of Candidacy as the DFL candidate.

5. I have been a member of the DFL Party all my adult life, and I plan to remain a member for the rest of my life because I believe in the principles of that Party. Thus, if I am allowed to run as both the DFL candidate and New Party candidate, and if I am reelected to another term as State Representative, I would continue to vote and act as a DFL Party member. I do, however, believe in the principle that political parties should be free to nominate those candidates whom they believe will best advance the party's goals. Although I am not a plaintiff in the New Party's lawsuit, I understand that the vindication of that principle is the New Party's aim in the litigation.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed at St. Paul, Minnesota, this 5 day of August, 1994.

/s/ Andy Dawkins
Andy Dawkins

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

TWIN CITIES AREA NEW
PARTY,

Plaintiffs,

v.

Case No.
Cv. 3-94-953

LOU MCKENNA, DIRECTOR,
RAMSEY COUNTY; JOAN
ANDERSON GROWE,
SECRETARY OF STATE

Defendants.

DECLARATION OF WALTER DEAN BURNHAM

I, Walter Dean Burnham, declare as follows:

1. I am a professional political scientist. Since 1988 I have been Frank C. Erwin Jr. Centennial Chair in Government at the University of Texas in Austin. For the seventeen years preceding, I was on the faculty of the Department of Political Science at the Massachusetts Institute of Technology. Throughout my professional career I have specialized in the study of the history and present operation of the American electoral system, political parties, and election processes. I have written and lectured extensively on these subjects. (See *curriculum vitae*, attached to this declaration.)

2. I have been asked by lawyers for the Twin Cities Area New Party to give a declaration concerning our national experience with multiple-party nomination

("MPN") of candidates. In providing such, I will confine myself to: (a) sketching the background problems in our electoral system to which MPN is responsive; (b) indicating the incidence of MPN in American electoral history; (c) indicating the effects of MPN activity on the representativeness and stability of our country's political institutions.

3. This is a continent-sized country with a quarter of a billion inhabitants. With rare exceptions, its politics have been organized by two and only two political parties at least since the time of Andrew Jackson a century and a half ago.

4. In most other democracies in the Western world, the difficulty of accommodating all major currents of opinion and interest in electoral politics has produced electoral laws which through one or another scheme of proportional representation ("PR"). Such schemes attempt to conform the distribution of elected officials to the distribution of partisan sentiment through the use of multiple-member districts, and the assignment of, for example, legislative positions on the basis of the proportion of the total vote claimed by different parties with such districts. Thus, for example, in a pure PR system of election with an election district covering 10 legislative seats, if Party A received 60 percent of the vote cast within that district, Party B 30 percent, and Party C 10 percent, Party A would gain six legislative seats, Party B three, and Party C one.

5. In the United States, by contrast, elections are generally decided by simple-plurality ("first past the

post") elections rules, applied within single-member election districts (e.g., Congressional districts, or state-wide districts for state-wide offices). In such a system, the "winner takes all." In the above example, for example, a representative of Party A would gain the legislative seat. Parties B and C would have no legislative gain to show for their demonstrated voter support, even though they commanded a substantial (40 percent) minority of the voters.

6. It is well known that such first-past-the-post or winner-take-all electoral regimes create formidable barriers to the electoral viability of third parties. Even voters who support such parties' program or ideology are discouraged from voting for them, for the simple reason that their vote appears certain to be wasted. If such voters vote at all, they will simple choose the major party standing somewhat closer to their own views than the opposing establishment. And, quite often, they do not vote, a fact that we know from the established observation that turnout rates tend to be consistently lower over time in first-past-the-post countries than in those that have at least some proportionality in translating votes into bits of political power.

7. The historical record bears witness to the existence of efforts to deal with this very real problem of democracy.

8. In the U.S., extensive state regulation of political parties (a phenomenon itself essentially unknown in other western democratic political systems) effectively began in the 1890s and intensified during the "Progressive" period of political reform circa 1905-1915. Very

many of these regulations were explicitly crafted to limit the role parties played in American politics prior to that time (the role of third parties providing an especially prominent object), and not, for example, merely to ensure against fraud or other abuse of party power. Given the character of these regulations, and the importance of party organization for the effective functioning of a modern mass democracy, I join my last mentor V.O. Key, Jr. (see *American State Politics* (New York: 1956)) in the judgment these reforms have in the main been deleterious to the health of democracy in this country.

9. Prior to this anti-partisan upheaval, parties were very largely free to do as they saw fit. On the issue that concerns us here, MPN, the record shows that the phenomenon was very widespread, particularly during the second half of the 19th century (that is, after the emergence of the modern Republican and Democratic parties). Indeed in some regions of the country, including much of the Midwest and West, it was very nearly routine during this period. At the national level, a late example of the practice is provided by the presidential election of 1896. In Pennsylvania the Democratic nominee, William Jennings Bryan, ran on three party-label tickets and his Republican challenger, William McKinley, ran on two. In California, Bryan was both the Democratic and the Populist nominee and ran on both tickets, winning one of the state's electors. Such extensive use of MPN reflected recognition by party leaders, with strong organizations, that there were important streams of public opinion that could not credibly or legitimately be channeled into a polar choice between the two major parties of the period.

10. Practice of MPN in the 20th century has, of course, been much more limited. This owes chiefly to the fact that most state legislatures, as part of the anti-partisan upheaval described above, outlawed the practice. However, there have always been exceptions to this general ban.

11. The prominent contemporary example of the MPN system is New York State, which re-legalized MPN in 1936 and has operated with an MPN regime ever since. In New York, predictably, this has permitted electoral competition from both the left and the right of the mainstream parties, and greater representation of such minority views in the selection of mainstream candidates. The most important examples of the sorts of third parties underwritten by the MPN practice in New York are the American Labor Party (now defunct), and the Liberal and Conservative parties, which remain active. These parties have had measurable influence on New York politics, either by using their cross-nomination powers to influence the nomination choices of the major parties, or, where such influence failed, by providing an alternative line for candidates. The Liberals, for example, were important in securing liberal Republican John Lindsay's tenure as mayor of New York City in the late 1960s, and – by refusing to endorse the Democratic nominee – securing conservative Republican Alphonse D'Amato's election to the U.S. Senate in 1980. The Conservatives have been influential in similar ways, even succeeding in electing their own candidate, John Buckley, to the U.S. Senate in 1970, over both the Democratic and Republican nominees. With MPN, it follows as a matter of course that one major party nominee may trail the candidate of the other

major party in the major party vote, but nonetheless win the election by virtue of additional votes garnered on the line of a third party that has also nominated that candidate. Examples of this in New York are numerous. Three at the presidential level are Franklin Delano Roosevelt's victories over Wendell Willkie in 1940 and Thomas Dewey in 1944, and John Kennedy's victory over Richard Nixon in 1960. Each of these was a victory for the Democratic Party nominee, despite the fact that that nominee secured fewer votes than the Republican nominee on the Democratic Party line. The victories owed to support for the Democratic nominee expressed through votes for him on third party (American Labor/Liberal) lines.

12. There is one 20th century instance of MPN which does not fit this characteristic mode: the California cross-filing system of 1911-54. What is important to appreciate about the California case was that it was substantially different in origins and effect from the rest of both 19th and 20th century MPN experience. Specifically, the California system was designed to promote "party-busting" to a very high degree by permitting major-party candidates to run also as candidates of the other major party. If such a candidate won both major-party nominations (as, for example, former Chief Justice Earl Warren did in his 1946 race for Governor), he would run unopposed in the general election. This law was quite effective in placing candidate qualities at a premium and parties at a very low discount. It was repealed when a different view of the importance of party in organizing the government became the majority view. In any case, the system was exceptional; it should not be treated as in any way exemplary of MPN politics in the 19th or 20th centuries.

13. From the history of MPN use in the U.S., both in the 19th century and at present, we can draw four broad conclusions of relevance to the Twin Cities New Area Party challenge to the Wisconsin ban on MPN. First, it is clear that the availability of the MPN option improves the electoral viability of third parties; conversely, the maintenance of an MPN-ban can be said to have a disproportionately negative impact on third party viability. Thus in addition to infringing the associational liberties of third parties and their members, the ban does have a decided "monopoly" effect, limiting the viability of third party representation and with it, the range of electoral choice available to voters. Second, at no point has the practice of MPN politics, either in the 19th century or the 20th, given rise to excessive "factionalism" or "fragmentation" of the sort that would undermine our political system's stability. To the contrary, a review of the MPN experience suggests that its practice almost certainly helps to promote rather than undermine democratic stability, not least by providing the public with confidence that the electoral system was not being deliberately rigged against major dissenting streams of public sentiment. MPN activity, via its positive effect on third party viability, can be expected to lead over time to increase voter participation in the political system – one reflection of greater public confidence and democratic strength. Third, there is no evidence on the literature on "fusion" or MPN politics that multiple party nominations have caused confusion among voters. Fourth, the history of state bans on MPN in the U.S. shows them to be the product of efforts to limit electoral competition and otherwise restrict representation of minority views. As such, such bans are inconsistent with

core constitutional commitments to preserving associational freedom in our party system, as well as in other aspects of American public life.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 29th day of August, 1994, at Austin, Texas.

/s/ Walter Dean Burnham
Walter Dean Burnham

August 1990

CURRICULUM VITAE
WALTER DEAN BURNHAM

PERSONAL BACKGROUND:

Date of Birth: June 15, 1930, in Columbus, Ohio
 Marital Status: June 7, 1958, to Patricia Ann Mullan.
 Two Children, John (b. 1965) and Anne (b. 1967).
 Military Service: U.S. Army, 1953-1956

EDUCATION:

PhD., Harvard University, 1962
 M.A., Harvard University, 1958
 B.A., Johns Hopkins, 1951

ACADEMIC APPOINTMENTS:

Frank C. Erwin, Jr., Centennial Professor of Government,
 University of Texas at Austin, 1988 -
 Professor, Massachusetts Institute of Technology,
 1971-1988 (Ruth and Arthur Sloan Professor of Political Science, 1984-1988)

Associate Professor and Professor, Washington University (St. Louis), 1966-1971
 Assistant Professor, Haverford College, 1964-1966
 Assistant Professor, Kenyon College, 1961-1963
 Instructor, Boston College, 1958-1961

PUBLICATIONS:

Books

Presidential Ballots, 1836-1892 (Baltimore: Johns Hopkins Press, 1955)

The American Party Systems: Stages of Political Development (Ed. with William N. Chambers), (New York: Oxford University Press, 1967, 1975).

Critical Elections and the Mainsprings of American Politics (New York: Norton, 1970)

Politics/America: The Cutting Edge of Change (New York: Van Nostrand, 1973). A selection of articles from *Trans-Action/Society* with extensive editorial commentary.

American Politics and Public Policy (Ed. with Martha W. Weinberg), (Cambridge: MIT Press, 1978); a memorial volume for Professor Jeffrey L. Pressman.

The Current Crisis in American Politics (New York: Oxford University Press, 1982)

Democracy in the Making (Englewood Cliffs, NJ: Prentice-Hall, 1983, 1986)

"The 1976 Election: Has the Crisis Been Adjourned?" in W. D. Burnham and M. W. Weinberg (eds.), *American Politics and Public Policy*, *op. cit.*, pp. 1-25.

"Thoughts on the 'Governability Crisis' in the West," *Washington Review of Strategic and International Studies*, 1, no. 3 (1978): 46-57.

"The Appearance and Disappearance of the American Voter," in American Bar Association, *The Disappearance of the American Voter* (Chicago/Washington, ABA, n.s. (1979), pp. 125-167. A rather abridged version is reprinted in Richard Rose (ed.), *Electoral Participation: A Comparative Analysis* (Beverly Hills: Sage, 1980), pp. 35-74.

"American Politics in the 1980's," *Dissent*, Spring 1980, pp. 149-160.

"Milestones on the Road to Democracy: Electoral Regimes and Their Relevance to South Africa", in Robert I. Rotberg and John Barratt (eds.), *Conflict and Compromise in South Africa* (Lexington, MA: Lexington Books, 1980), pp. 77-106.

"Reflections on the American Political Crisis," *Washington Quarterly*, Autumn 1980, pp. 4-24.

"The 1980 Earthquake: Realignment, Reaction or What?" in Thomas Ferguson and Joel Rogers (eds.), *The Hidden Election* (New York: Pantheon, 1981), pp. 98-140.

"The System of 1896: An Analysis" in Paul Kleppner (ed.), *The Evolution of American Electoral Systems* (Westport, CT.: Greenwood Press, 1981), pp. 147-202.

"Printed Sources" in Jerome M. Clubb, William H. Flanigan and Nancy H. Zingale (eds.), *Analyzing Electoral History* (Beverly Hills: Sage, 1981), pp. 39-73.

"The Constitution, Capitalism and the Need for Rationalized Regulation" in Robert A. Goldwin and William A. Schambra (eds.) *How Capitalistic is the Constitution?* (Washington: American Enterprise Institute, 1982), pp. 75-105.

"The Eclipse of the Democratic Party," *Democracy*, July 1982. pp. 7-17.

"Why Is the Right Ascendant?" *Dissent*, Fall 1983, pp. 434-441.

"Parties and Political Modernization" in Richard L. McCormick (ed.) *Political Parties and the Modern State* (New Brunswick: Rutgers University Press, 1984), pp. 109-148.

"The 1984 Election and the Future of American Politics" in Ellis Sandoz and C. B. Crabb, Jr. (eds.), *Election 84: Landslide Without Mandate?* (New York: New American Library, 1985), pp. 204-260.

"Those High Nineteenth-Century American Voting Turnouts: Fact or Fiction?" *Journal of Interdisciplinary History*, Vol. 16, 16, No. 4 (Spring 1986), pp. 613-644.

"Periodization Schemes and 'Party Systems': The 'System of 1896' as a Case in Point," *Social Science History*, Vol. 10, No. 4 (Fall 1986), pp. 263-324. This particular issue of SSH is a symposium centered around my work.

"Elections as Democratic Institutions" in Kay L. Schlozman (ed.), *Elections in America* (Boston: Allen & Unwin, 1987), pp. 27-62.

"The Alabama Senatorial Election of 1962: Return of Interparty competition," *Journal of Politics* 26 (1964): 789-829

"The Changing Shape of the American Political Universe," *American Political Science Review* 59 (1965): 7-2.

"American Voting Behavior and the 1964 Election," *Midwest Journal of Political Science* 12 (1968): 1-40. Also published in Melvin Richter (ed.), *Essays in Theory and History: An Approach to the Social Sciences* (Cambridge: Harvard University Press, 1970), pp. 186-220.

"Election 1986: The Abortive Landslide," *Trans-Action* 6 no. 2 (1969): 12-22.

"Additive and Multiplicative Models of the Voting Universe: The Case of Pennsylvania, (With John D. Sprague) 1960-1968," *American Political Science Review* 64 (1970): 471-490.

"A Political Scientist and Voting-Rights Litigation: The Case of the 1986 Texas Registration Statute," *Washington University Law Quarterly* 1971 (1971): 335-358.

"Crisis of American Political Legitimacy," *Society* 10 (1972).

"Political Immunization and Political Confessionalism: The United States and Weimar Germany," *Journal of Interdisciplinary History* 3 (Summer 1972): 1-30.

"Theory and Voting Research: Some Reflections on Converse's 'Change in the American Electorate'," *American Political Science Review* 68 (1974): 1002-1023 + immediately following discussion.

"The United States: The Politics of Heterogeneity," in Richard Rose (ed.), *Electoral Behavior: A Comparative Handbook* (New York: Free Press, 1974), pp. 653-725.

"Party Systems and the Political Process," in W. D. Burnham and W. N. Chambers (eds.), *The American Party Systems, op. cit.*, pp. 277-307 (1967/1975 editions).

"American Politics in the 1970s: Beyond Party?" *ibid.* (1975), pp. 308-357. Reprinted in Louis Maise and Paul Sacks (eds.), *The Future of Political Parties* (Beverly Hills: Sage, 1975), pp. 238-277.

"Insulation and Responsiveness in Congressional Elections," *Political Science Quarterly* 90 (1975): 411-435.

"Revitalization and Decay: Looking Toward the Third Century of American Electoral Politics," *Journal of Politics* 38 (1976): 146-172.

Review Essay, "The Politics of Crisis," *Journal of Interdisciplinary History* 8, No. 4 (Spring 1978): 747-763.

"Great Britain: The Death of the Collectivist Consensus?" in Louis Maise and Joseph Cooper (eds.), *Political Parties: Development and Decay* (Beverly Hills: Sage, 1978), pp. 267-308.

"The Turnout Problem" in A. James Reichley (ed.), *Elections American Style* (Washington: Brookings, 1987).

"V. O. Key, Jr., and the Study of Political Parties," in Milton C. Cummings (ed.), *V. O. Key, Jr., and the Study of American Politics* (Washington: American Political Science Association, 1988), pp. 3-23.

"The Reagan Heritage," in Gerald R. Pomper (ed.), *The Election of 1988* (Chatham, NJ: Chatham House, 1989).

"Critical Realignment: Dead or Alive?" in Byron E. Shafer (ed.), *The End of Critical Realignment?* (Madison: University of Wisconsin Press: in press as of 3rd Quarter 1990)

AWARDS, HONORS, ETC.

SSRC Fellowship 1973-1964. Spent at Ann Arbor, Michigan, on initial stages of organization of the Inter-University Consortium-electoral data archive.

Guggenheim Fellowship, 1974-75. Spent on research in London.

Fellow, Center for Advanced Study in the Behavioral Sciences, Palo Alto, California (1979-1980).

Honorary doctorate (Litt.D) awarded by Rutgers University, 1982.

ASSOCIATIONS

American Political Science Association
 American Academy of Arts and Sciences (elected
 1978)

UNITED STATES DISTRICT COURT
 DISTRICT OF MINNESOTA
 THIRD DIVISION

Twin Cities Area New Party,

Plaintiff,

ORDER

vs.

(Filed
 Sept. 15, 1994)

Lou McKenna, Director, Ramsey
 County Department of Property
 Records and Revenue; Joan Growe,
 Secretary of the State of
 Minnesota,

File No. 3-94-953

Defendants.

The above entitled matter came on for hearing before the Honorable Michael J. Davis on September 9, 1994 on Plaintiff's motion for injunctive relief pursuant to Fed.R.Civ.P. 65. Pursuant to the agreement of the parties and order of this Court, the matter was consolidated and hearing was had on the merits pursuant to Fed.R.Civ.P. 56.

Sarah E. Siskind, Esq., Kenneth E. Tilsen, Esq., and Cornish F. Hitchcock, Esq., appeared for and on behalf of Plaintiff.

Kristine Legler Kaplan, Esq., and Peter M. Ackerberg, Esq., appeared for and on behalf of Defendants.

ORDER

Accordingly, based upon the above, and all files, records, and proceedings herein, IT IS HEREBY ORDERED THAT:

1. Summary Judgment is granted on behalf of Defendants.
2. An amended Order with accompanying Memorandum shall be filed prior to 5:00 p.m., September 16, 1994.

Date: Sept. 14, 1994

/s/ Michael J. Davis
 Michael J. Davis
 United States District Court
 Judge

UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF MINNESOTA
 THIRD DIVISION

TWIN CITIES AREA NEW
 PARTY,

Plaintiff,

v.

LOU MCKENNA, Director, Ramsey
 County Department of Property
 Records and Revenue, and JOAN
 ANDERSON GROWE, Secretary of
 State of Minnesota,

Defendants.

Civil Action
 No. 3-94-953

**NOTICE OF
 APPEAL**

(Filed
 Sept. 26, 1994)

Plaintiff Twin Cities Area New Party hereby appeals to the United States Court of Appeals for the Eighth Circuit from the order dated 14 September 1994 granting summary judgment to defendants, as well as the amended order dated 16 September 1994.

Respectfully submitted,

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PUBLIC INTEREST PROJECT
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Dated: 23 September 1994
